

# **Recent Developments in Copyright**

**Robert W. Clarida**

**Thomas Kjellberg**

**Cowan, Liebowitz & Latman, P.C.**

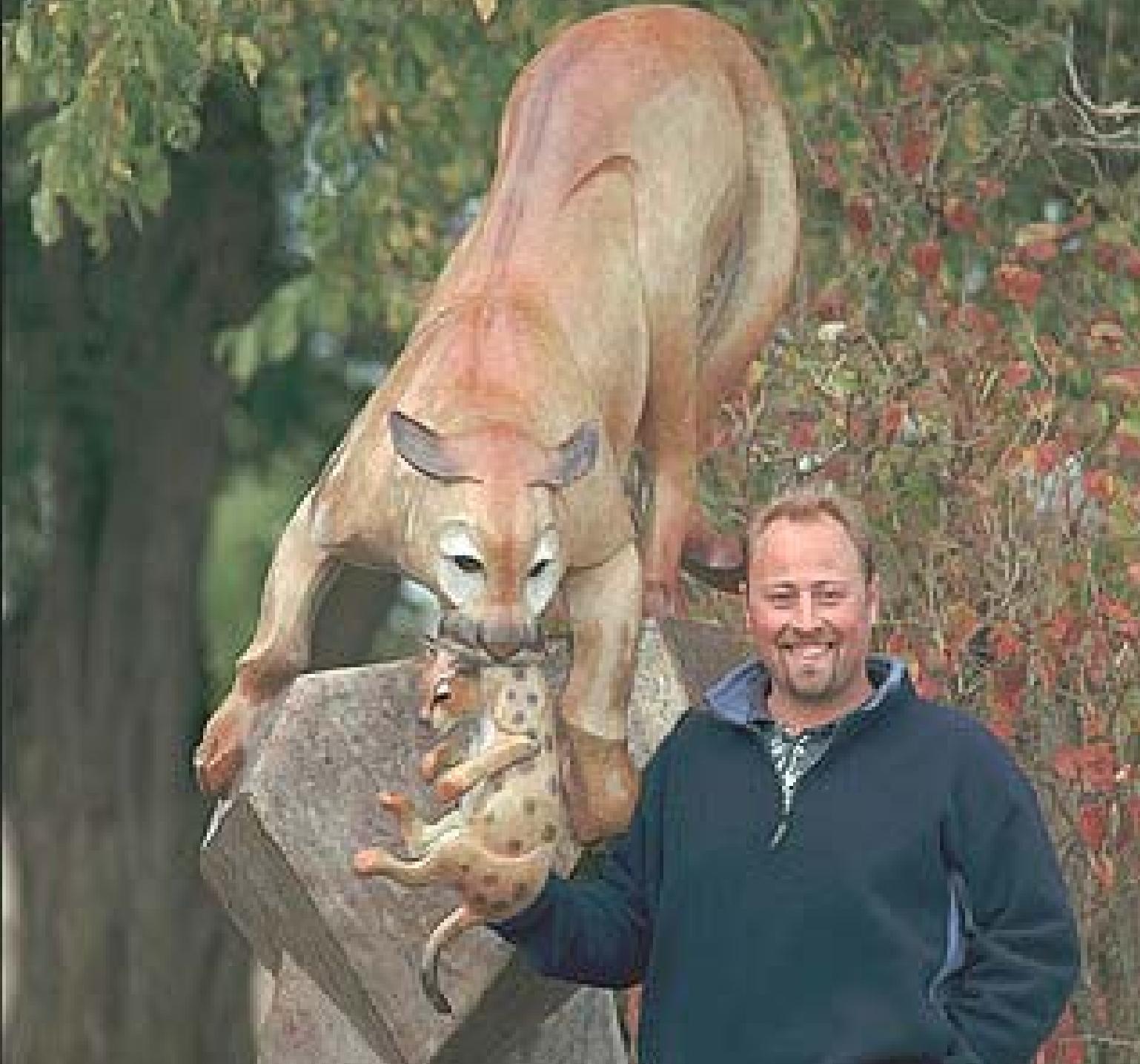
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# Copying and Substantial Similarity

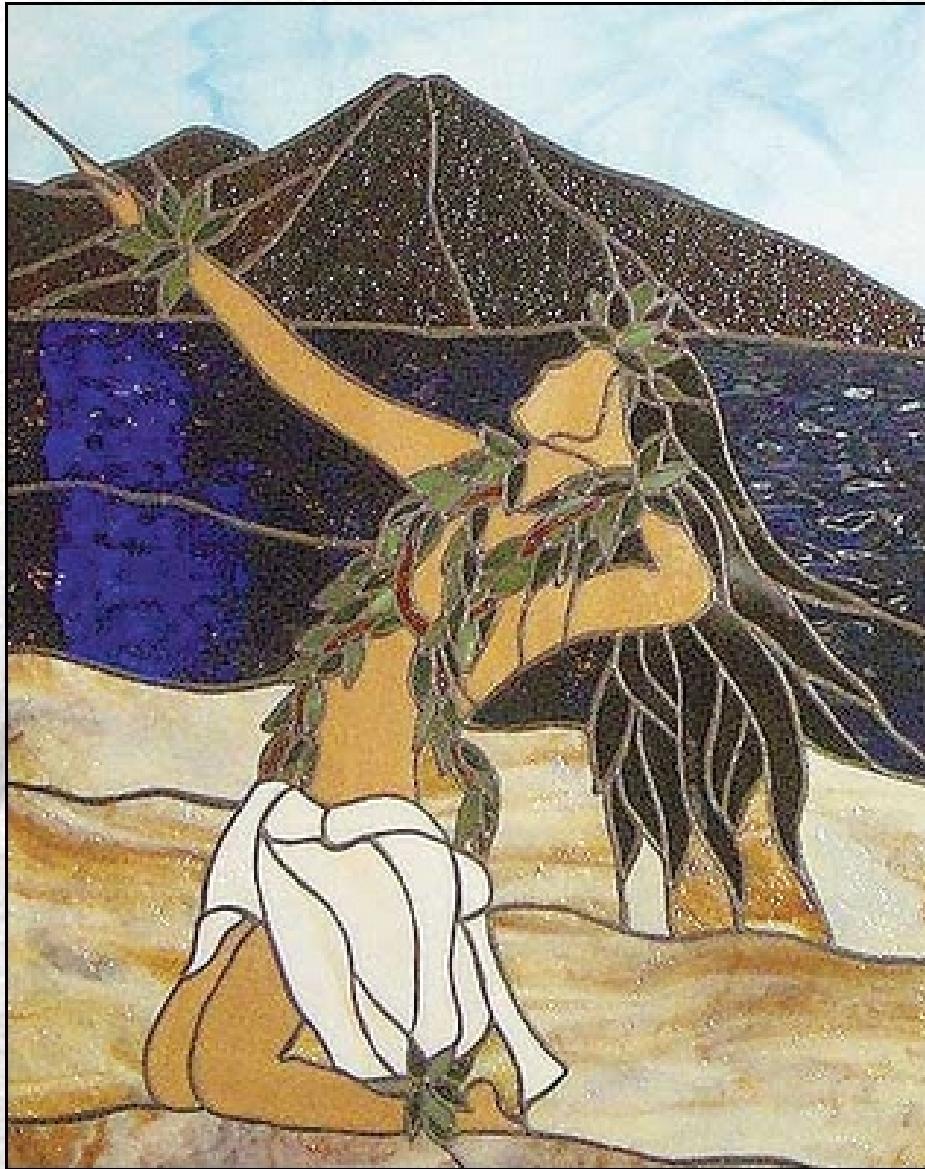






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# Copyrightability



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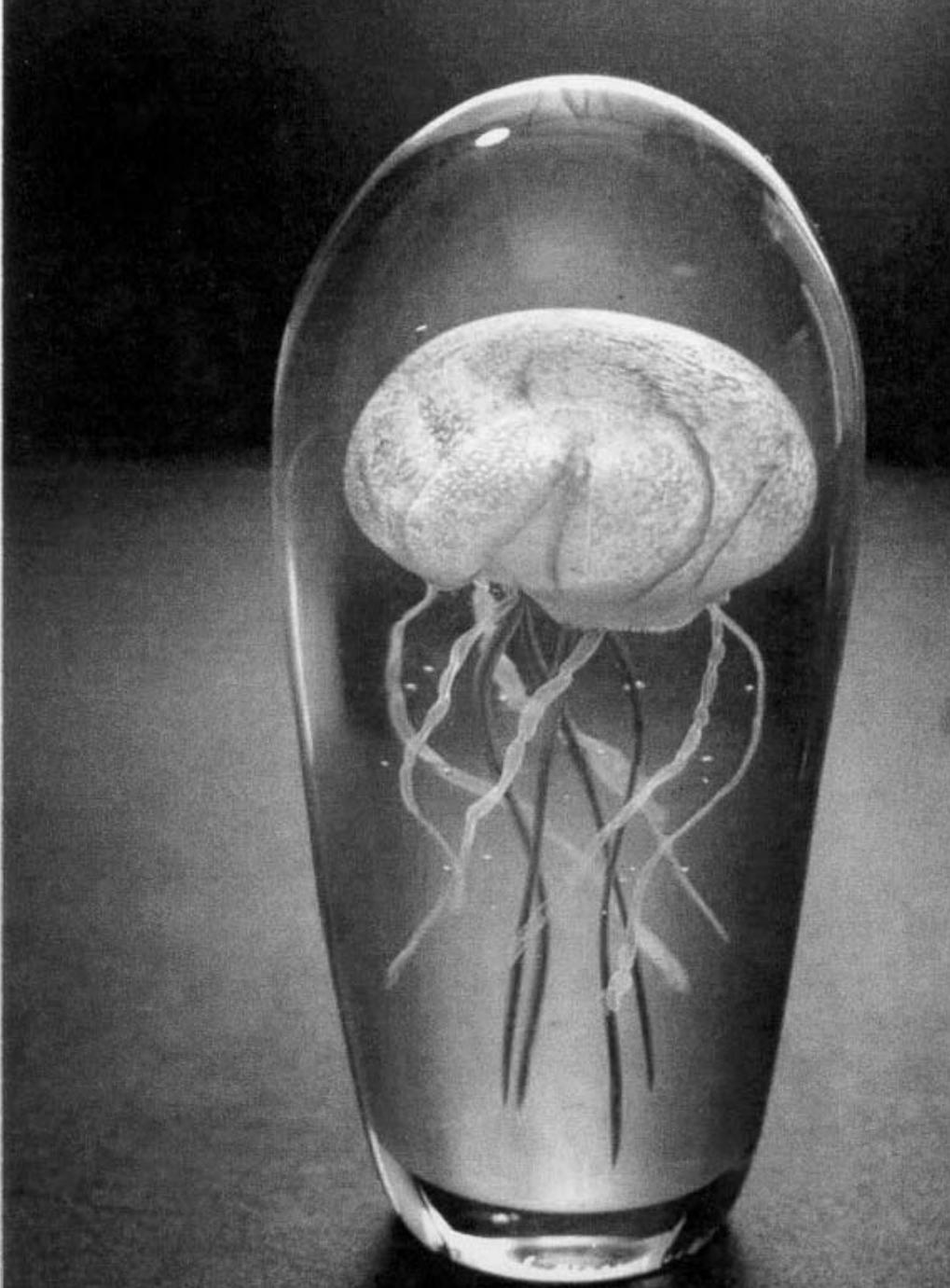
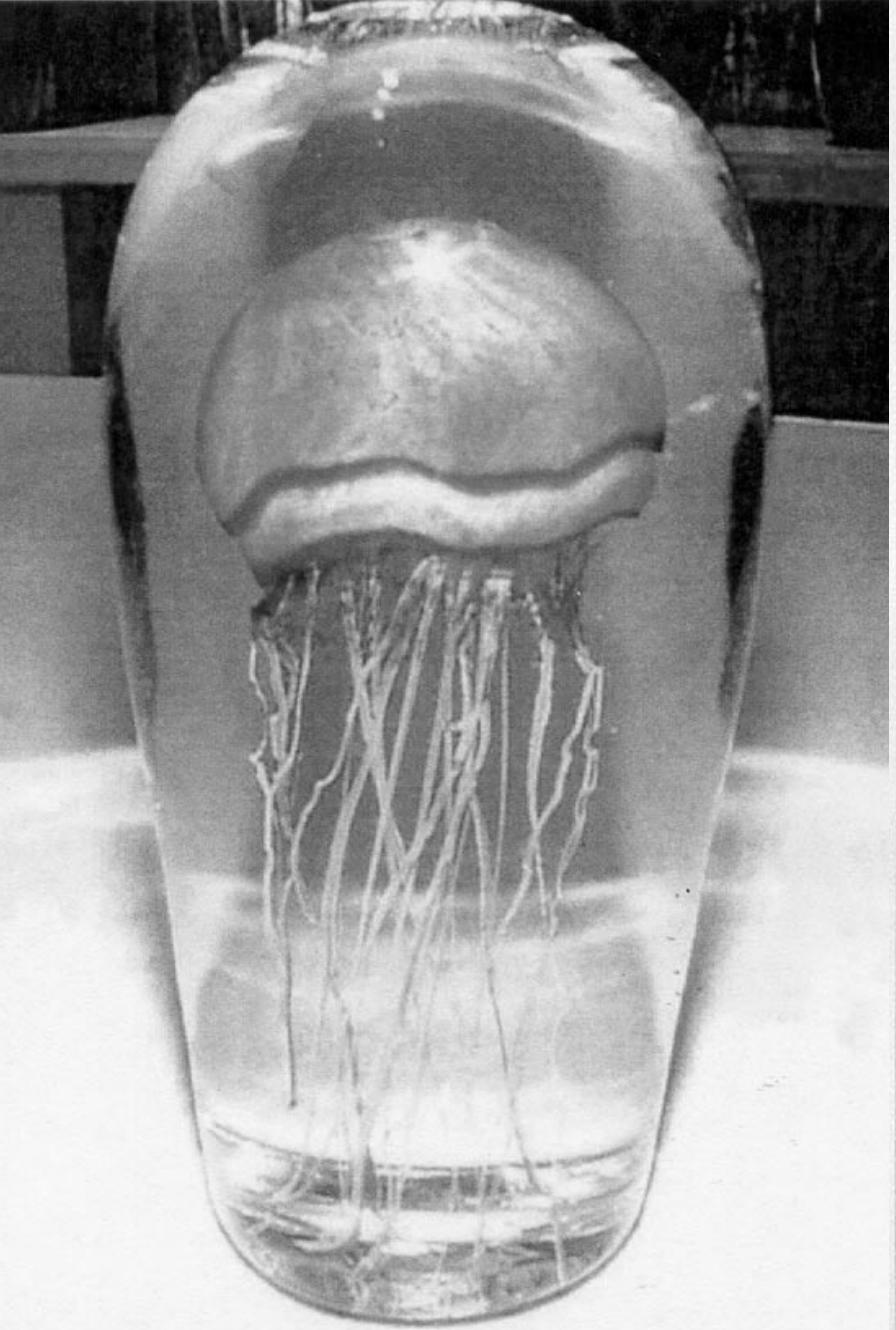


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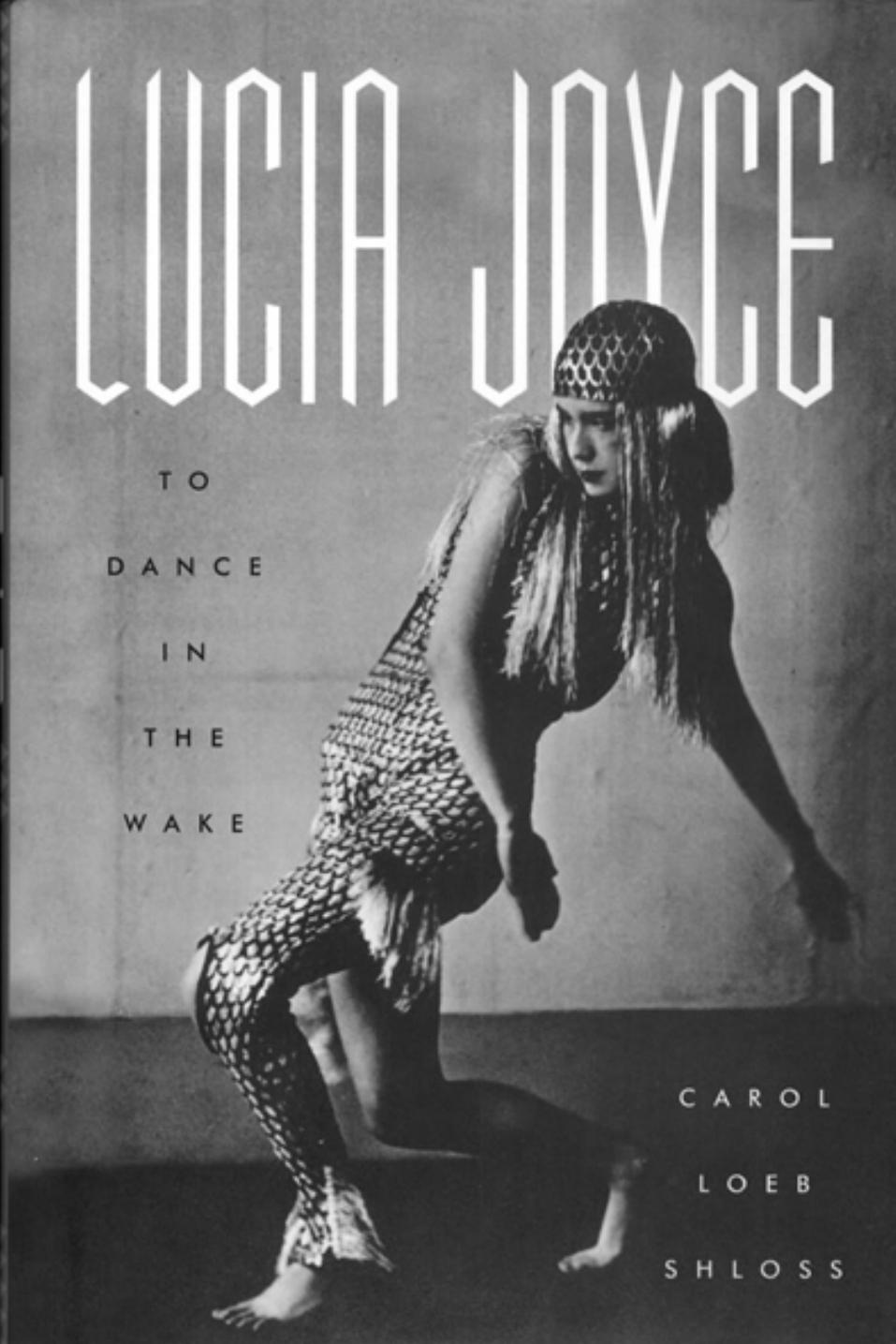




# Defenses



*Shloss v. . .* 2007)



*Golan v. Gonzalez*  
(10<sup>th</sup> Cir. 2007)



*United States v. Martignon*  
(2d Cir. 2007)



# *Betamax's Wayward Progeny*



*Atlantic Recording Corp v. XM  
Satellite Radio, Inc. (SyBt Am. S.  
2007), (S.D.N.Y. 2007)*

# Access



*Vargas v. Transeau (S.D.N.Y. 2007)*

*et al. (Pfizer Inc.)*

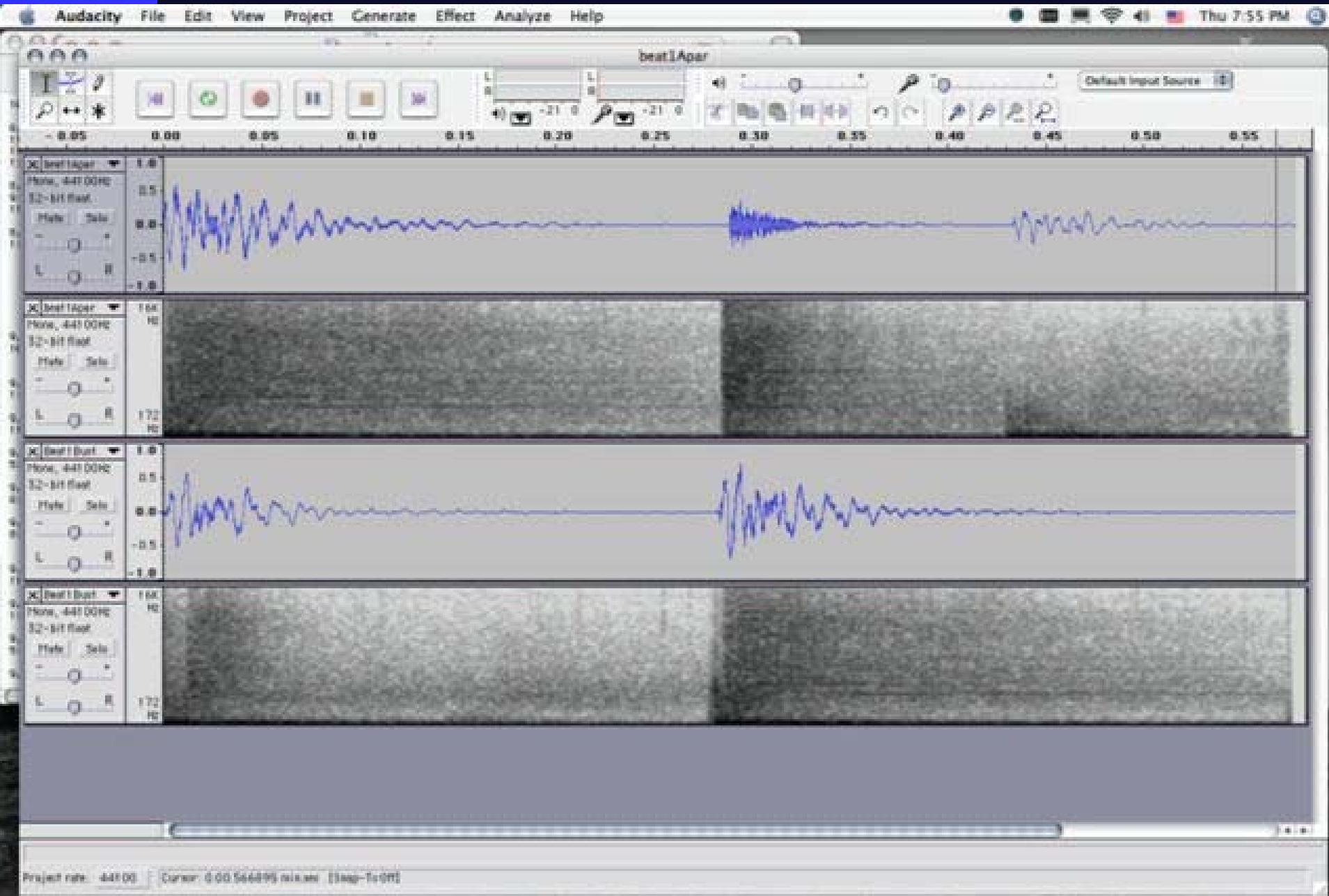
“Bust Data Accelerator Without Ride”

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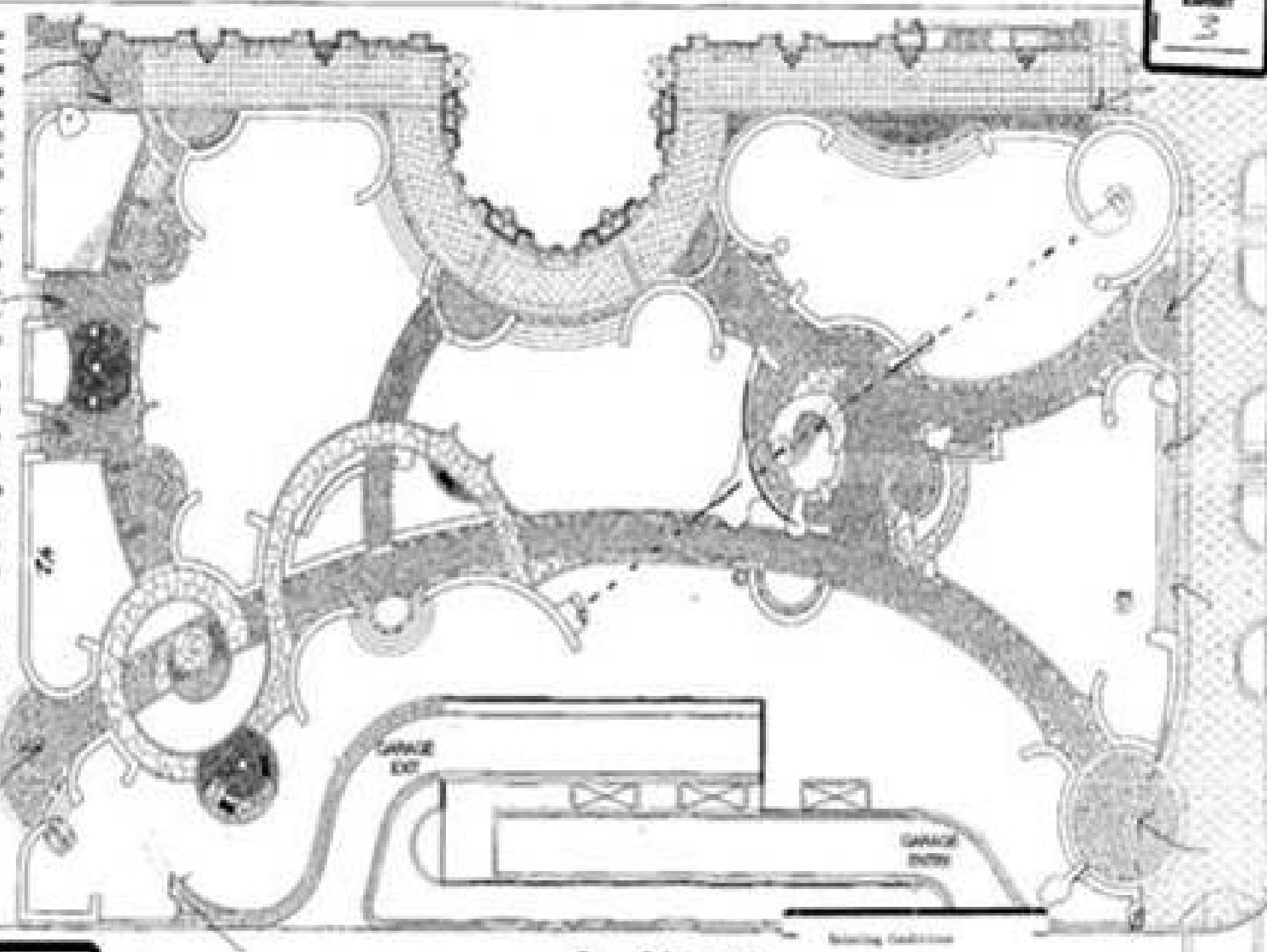
# *Vargas v. Transeau (S.D.N.Y. 2007)*



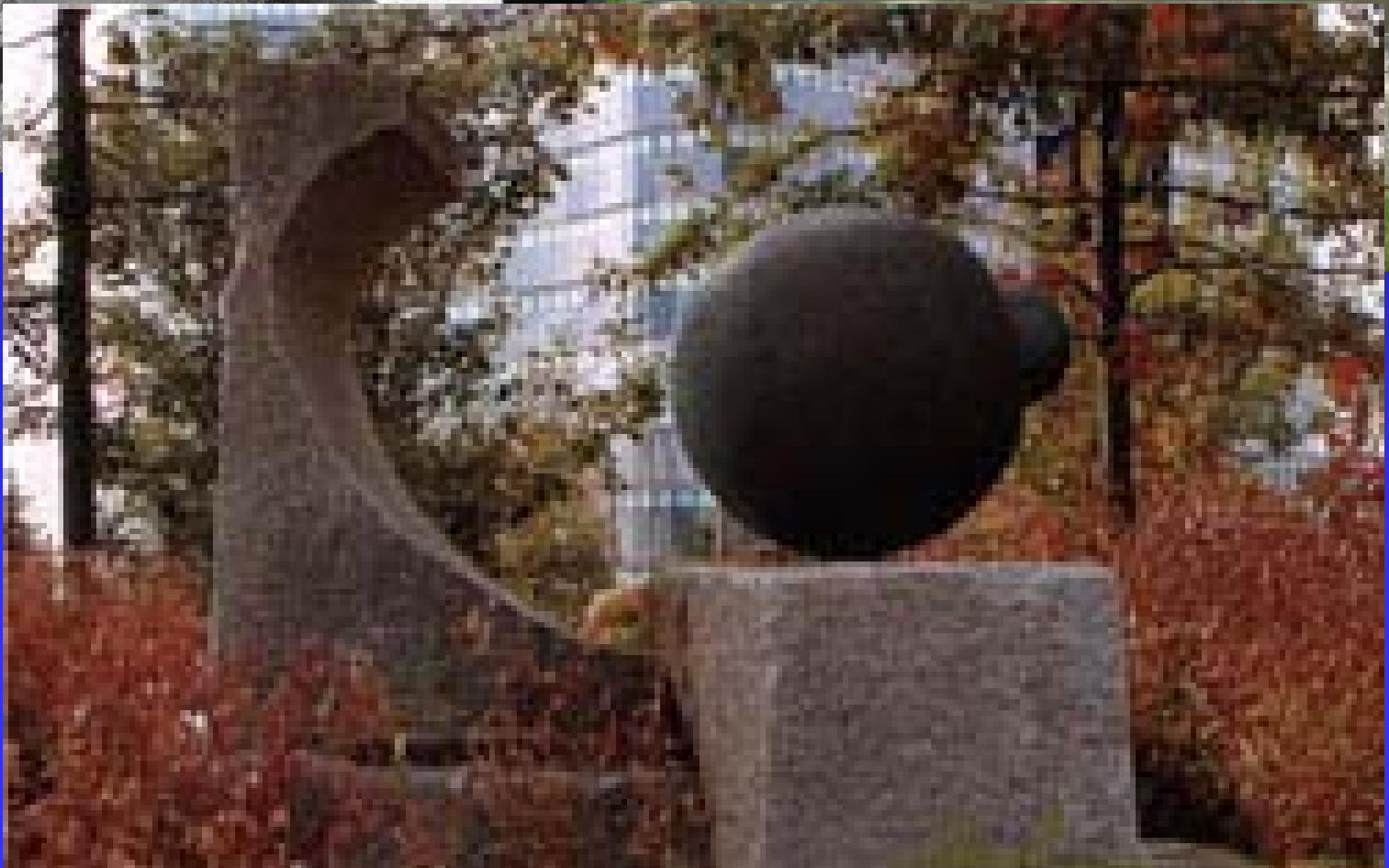


# Artists Right





Scaling Conditions





106A(c)(2): The modification of a work of visual art which is the result ... of the public presentation, including lighting and placement, of the work is not a destruction, distortion, mutilation, or other modification ...



# Ownership / Contracts

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Mary J Blige



NO MORE DRAMA

*Fisher v. Brooker*  
[2006] EWHC 3239 (Ch) (20 Dec.  
2006)

*In re Mechanical and Digital  
Phonorecord Delivery Rate  
Adjustment Proceeding*

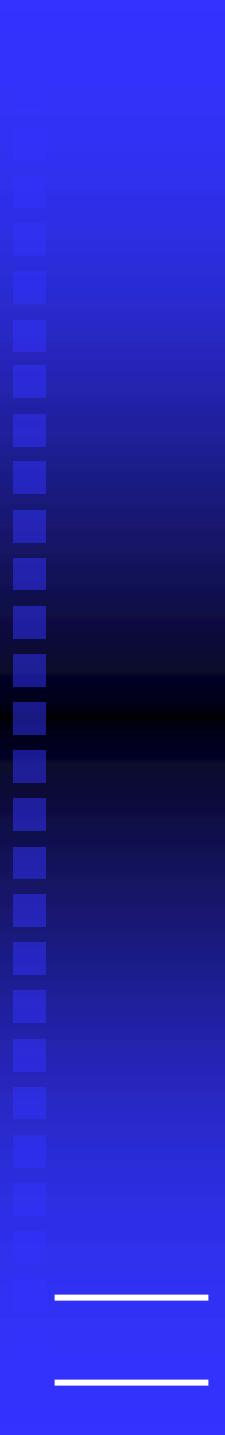


# *United States v. ASCAP*



# Perfect 10





*Perfect 10, Inc. v. Visa Int'l  
Serv. Ass'n* (9<sup>th</sup> Cir. 2007)

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